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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 29 May 1997 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit to you, annexed hereto, the denunciation by the Government of Cuba of the new actions which the United States Congress is preparing to take against Cuba with a view to the strengthening of the economic, trade and financial embargo against our country and a resurgence of the aggressive policy towards Cuba which the United States of America has promoted for nearly four decades.

These measures are also aimed at enlarging the extraterritorial scope of the so-called Helms-Burton Act and infringing ever more blatantly on the sovereignty of all nations affected by this legislation.

The Government of the Republic of Cuba deems it necessary to use every means at its disposal to denounce these new schemes, which also constitute a violation of international law and the principles embodied in the Charter of the United Nations.

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly, under item 30 of the preliminary list.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

* A/52/50.

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ANNEX

[Original: English and Spanish]

DENUNCIATION OF NEW ACTIONS AGAINST CUBA IN THE UNITED STATES CONGRESS

On May 6 last, the Foreign Affairs Committee of the House of Representatives of the United States Congress passed ten drafts aimed at reinforcing the blockade against Cuba and fostering domestic subversion in Cuba. While in a number of cases, these amendments are additions to the Helms-Burton Law and in others they modify earlier legislation, all these actions may be considered as yet another expression of the same scheme of aggression against Cuba which characterizes the Helms-Burton Law.

Approved sections were included as amendments to the Foreign Service Reform Law. This Law includes resources for foreign aid, the budget of the Department of State and other international programs, as well as the restructuring of the U.S. foreign service. Several of the ten texts adopted, the main features of which are attached, are additions to the Helms-Burton Law and other modify previous legislation, but seen as a whole they are part and parcel of the increased hostility and interventionist intentions codified into lay by means of the Helms-Burton Act..

Four main characteristics may be identified in this process :

First : The secrecy with which it has been carried out, even in Congress itself, where several legislators linked to the Cuban issue were not even aware of their approval. The press, with the exception of what regards the International Atomic Energy Agency, has totally silenced this process.

Second : The intention to constantly keep the Administration in a defensive position by demanding the submission of periodic reports, thus depriving it of the already narrow margin of discretion which it enjoyed regarding its policy towards Cuba.

Third : Its contradiction with the "understanding" reached with the European Union, including the U.S. promise of seeking the modification of the Helms-Burton Law, giving it a larger degree of flexibility, specifically with regard to Chapter IV.

Fourth : Linked with the above, the clear message it entails that the forces which sponsored the Law are not ready to allow its softening and are only in a position of modifying it in order to make it more intrusive and extraterritorial.

The tactics of silence, previously used by the anti-Cuban lobby, facilitate the final approval of the amendments, as the arguments that may be raised against them will have to face a fait accompli, only after those amendments had already passed with a certain level of approval most of the bodies of the cumbersome Congressional legislative process.

On the other hand, anti-Cuban lawmakers are already boasting that they are working on a new initiative to widen the effects of the Helms-Burton Law, by allowing the levying of taxes in the United States to third country companies doing business with Cuba, and that those in non-compliance would be prosecuted in U.S. courts of law.

Two additional draft legislations prepared by the Foreign Relations Committee and addressed at strengthening the Helms-Burton law with regard to the power of the U.S. President to apply "waivers" to the legal demands embodied in its Chapter III , have also been circulated :.

1.- One of them totally removes such a power as of June 1997.

2.- The other, continues to allow it provided that US trade partners comply with seven specific conditions, including the withdrawal of any present or future challenge to the Helms-Burton Law before the WTO. The other conditions are of a similar extraterritorial nature and also violate the sovereignty of third countries.

The aim of these new actions, is to upgrade even further Washington "s offensive against Cuba by increasing the control already exerted by Congress over decision-making with regard to the US policy towards our country. These intentions, if successful, would make the extraterritorial effects already imposed against Europe and the rest of the world more offensive, and allowing no possibility whatsoever for both the present as well as future Administrations to introduce changes in such policy.

No reaction by the Administration is yet known with respect to these Congressional measures, nor has there been a response in complying the commitments the US entered into with its allies.

Cuba denounces these developments before the international community, as they are once again a demonstration of the arrogant and hegemonistic character inherent to U.S. foreign policy of the United States, to the detriment of the key principles of international coexistence, enshrined in the Charter of the United Nations and International Law.

This policy against Cuba, to which the United States is attempting to make others join with baseless pretexts, is today the greatest and most present danger facing the sovereignty of all States.

Annex

AMENDED SECTIONS OF HR-1486 FOREIGN POLICY REFORM ACT

1.- Sec. 308: Withholding United States assistance to countries that aid the Government of Cuba.

It defines with further details what they consider as engaging in "nonmarket based trade" with the Government of Cuba, which poses a reinforcement of the restrictions sanctioned in Title I of the "Helms-Burton" Act and furthers the restraints to trade with our country.

It decrees that not later than 180 days after the date of enactment of the Act, the President shall withhold assistance to any government providing economic, development, or security assistance for, or engaging in nonmarket based trade.

2.- Sec. 506: Availability of amounts for "Cuban Liberty and Democratic Solidarity (Libertad) Act of 1996 and the "Cuban Democracy Act of 1992".

It allocates "not less" than 2 million U.S dollars for 1998 and 1999 each, for the enactment of both acts, which will be made available, to a large extent, for financing counterrevolutionary groups bent on domestic subversion.

3.- Sec. 513: Requirement on assistance to the Russian Federation.

It conditions assistance to Russian Federation to refraining from assist Cuba in nuclear matters. To be able to grant the assistance, the President must determine and report to the Congress that the Russian Federation has terminated all official cooperation with Cuba and has taken all appropriate steps to prevent cooperation with, and transfers of goods and technologies to Juragua project.

4.- Sec 577: Withholding of assistance to countries that provide nuclear fuel to Cuba.

Withholding of allocated amounts to countries that in the future sell nuclear fuel to Cuba, for an amount equal to the aggregate value of nuclear fuel, related assistance and credits provided by that country to Cuba.

5.- Sec. 705: Local assistance to human rights groups in Cuba.

It amends Section 109 of the "Helms-Burton" Act by adding formal specifications providing a better coverage in the use of funds to those purposes. It enacts a process of certification by U.S Interests Section in Havana providing the Yankee representative powers to monitor illegal activities.

6.- Sec. 1106: United States Informational, Educational, and Cultural Programs.

It endows more than 22 millions of U.S dollars in 1998 and 1999 to the Radio and Television Broadcasting to Cuba Program.

7.- Sec. 1261: Reports to Congress concerning Cuban emigration policies.

It establishes that the Secretary of State shall prepare a report every subsequent 6 months accounting for the fulfillment of the United States-Cuba Migratory Agreements of September 1994 and May 1995. Thus the Congress is entitled to monitor one of the few areas that the Executive has under its control.

8.- Sec. 1412: Authorities of the Broadcasting Board of Governors.

It introduces a formal technicality in the "United States International Broadcasting Act" on the broadcasts of Marti Radio and Television to Cuba.

9.- Sec. 1705: Reports on determinations under Title IV of the "Liberty Act".

It amends Section 401 of the "Helms-Burton Act" in order to exert a harsher control on the denials of visas to those "trafficking" in expropriated properties. The Secretary of State shall submit a detailed report, every 3 moths thereafter, on the implementation of Title IV, providing a list of data on the subjects of penalties, and specifying the paragraphs to be reported in a classified or unclassified way.

10.- Sec. 1709: Programs or projects of the International Atomic Energy Agency in Cuba.

It conditions the authorization of U.S shares of assistance to IAEA to the termination of its assistance to Cuba and sets forth the opposition of the Secretary of State to such projects in our country, as well as the submission of annual reports on the issue to the Congress.